

Application No. 09/982052
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Amendment
Attorney Docket No. S63.2A-8920-US01

REMARKS

This Amendment is in response to the Office Action dated September 21, 2004.
Each issue is discussed in detail below.

§112 Rejections

Claims 1-3, 6-11 and 16-20 were rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In response, Applicant has amended the claims to address the specific concerns in the rejection, as described in the official action on page 2.

§102/§103 Rejections

Claims 1-3, 6-11 and 16-20 were rejected under 35 USC §102(b) as anticipated by or, in the alternative, under 35 USC §103(a) as being obvious over Ryan (EPO 0442657). It is asserted in the official action that Figure 7B of Ryan discloses an expandable distal portion 20, a stent 24, a first sleeve 26 having a second end abutting the first end of the stent. It is further stated in the action that the exact meaning of the phrase "the expanded distal portion is in its contracted state" is unclear and it would have been obvious that the second end abuts the first end of the stent since figure 7B shows no space between these members and since the sleeve 26 is resilient such that as the stent expands, the sleeve 26 would press against the end of the stent at least momentarily.

Applicant respectfully traverses. The official action points to figure 7B of Ryan as disclosure supporting an anticipation or obviousness rejection. However, as indicated to in the rejection, this figure is only being used due to the asserted indefiniteness of claim 1, as described in the §112 rejection. As mentioned above, claim 1 has been amended to remove the asserted indefinite nature of the claim. The amendment clarifies that the claim requires that the described conditions occur when the expandable distal portion is in its contracted state. The balloon 20 of figure 7B is in its expanded state. As such, figure 7B does not provided for all of the elements of the claims.

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It is further asserted in the official action that, alternatively, Ryan, in the configuration shown in figure 7A, shows first sleeve 26 having a second end (the end portion of sleeve at its right end as viewed in figure 7A) abutting the first end of the stent (the left end portion of the stent). In other words, the inner surface of the end portion of sleeve 26 abuts the outer surface of the end portion of stent 24. It is noted in the action that the term "end" is broad enough to mean an end portion as opposed to a mid portion, for example.

Although Applicant disagrees, the claims have been amended, as shown above, to further distinguish the claimed invention from the cited art. Response to the remaining assertions in the rejection directed toward various dependent claims is unnecessary in light of the above amendments. Withdrawal of the rejection is therefore respectfully requested.

The application is now believed to be in condition for allowance. If any further issues arise, the Examiner is invited to contact the undersigned.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

By: 

William E. Anderson II
Registration No.: 37766

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6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001

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